

lit.

BEFORE THE SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

RICK AND BARBARA RICHARDSON,

Appellants,

v.

CITY OF WOODLAND, STATE OF
WASHINGTON DEPARTMENT OF ECOLOGY,
and ATLANTIC RICHFIELD COMPANY,

Respondents.

SHB No. 91-48

ORDER GRANTING SUMMARY
JUDGMENT

Having reviewed:

1. City of Woodland's Motion for Dismissal and/or Summary
Judgment;

2. Affidavit of Sarah Koss in Support of the City of Woodland
Motion;

3. Affidavit of Sheldon Somers;

4. Affidavit of Ken Bays in Support of Motion for Summary
Judgment;

5. City of Woodland Ordinance No. 481;

6. City of Woodland Ordinance No. 663;

7. Flood Insurance Study for City of Woodland (FEMA);

8. Shoreline Management Master Program for Cowlitz County,
Washington;

9. Affidavit of Vince McClure in Opposition to Woodland's
Motion;

ORDER GRANTING
SUMMARY JUDGMENT
SHB No. 91-48

1 10. Memorandum of Richardsons in Opposition;
2 11. ARCO's Reply Brief; and
3 12. (Intervenor's) Memorandum in Opposition to Woodland's Motion;
4 and,

5 Having heard oral argument of all parties on November 20, 1991,
6 and,

7 The BOARD finding:

8 THAT the City of Woodland determined that the area for the
9 proposed development lies outside the 200' wetlands of the Lewis River
10 floodway by scale measurements on a Federal Emergency Management
11 Agency (FEMA) map;

12 THAT appellants have offered no factual evidence to support their
13 opinion that the City of Woodland's method of scale measurements is
14 inadequate;

15 THAT the area for the proposed development lies outside the 200'
16 wetlands of the Lewis River; and, therefore,

17 THAT the proposed development is outside the jurisdiction of the
18 Shorelines Management Act 90.58 RCW and no shoreline permit is
19 required;

20 NOW THEREFORE THE BOARD grants Respondent City of Woodland's
21 Motion for Dismissal and/or Summary Judgment.
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1 DONE this 27th day of November, 1991.

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3 SHORELINES HEARINGS BOARD

4 Harold S. Zimmerman
5 HAROLD S. ZIMMERMAN, Presiding

6 Judith A. Bendor
7 JUDITH A. BENDOR, Member

8 Annette S. McGee
9 ANNETTE S. MCGEE, Member

10 Nancy Burnett
11 NANCY BURNETT, Member

12 Mark O. Erickson by 2447
13 MARK O. ERICKSON, Member

14 Dave Wolfenbarger
15 DAVE WOLFENBARGER, Member

16 John H. Buckwalter
17 JOHN H. BUCKWALTER
18 Administrative Law Judge

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27 ORDER GRANTING
SUMMARY JUDGMENT
SHB No. 91-48